

MINUTES FREMONT PLANNING COMMISSION REGULAR MEETING OF OCTOBER 27, 2005

CALL TO ORDER: Chairperson Harrison called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Harrison, Commissioners Chan, King, Lorenz, Lydon,

Sharma

ABSENT: Weaver (excused)

<u>STAFF PRESENT:</u> Jeff Schwob, Planning Director

Prasanna Rasiah, Deputy City Attorney Kathleen Livermore, Senior Planner Barbara Meerjans, Senior Planner Scott Plambaeck, Associate Planner

Cliff Nguyen, Planner II Joel Pullen, Planner I

Alice Malotte, Recording Clerk

Chavez Company, Remote Stenocaptioning

Miriam Shallit, Video Technician

Chairperson Harrison called for a moment of silence to honor four local individuals. They were:

- John Herrera, who served on the Recreation and Planning Commissions in the late 1960s and early 1970s
- Gary King, who served on many city commissions and boards and was big city cheerleader
- Buzz Covalt, a media person who was seen on local cable channels
- Morris Hyman a businessman and friend to the city

APPROVAL OF MINUTES: Regular Minutes of September 8, 2005, were approved as submitted.

CONSENT CALENDAR

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 2, 3, 4, AND 6.

IT WAS MOVED (SHARMA/LORENZ) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 2, 3, 4, AND 6.

CINGULAR WIRELESS – Hillview Drive – (PLN2005-00308) - to consider an amendment to an approved conditional use permit for construction of a wireless telecommunication facility to allow an increase in height of the stealth tree monopole from 55' to 60' on an Alameda County Water District parcel adjacent to 614 Hillview Drive in the Niles Planning Area. A Mitigated Negative Declaration had been previously prepared for this project.

Planning Director Schwob noted that approval had been appealed and was scheduled to be heard by the City Council on November 8th.

THIS APPLICATION HAS BEEN WITHDRAWN. NO ACTION IS REQUIRED.

PROLOGIS - Pacific Commons Development Agreement - (PLN2006-00031) - to consider a City Manager's report on the annual review of the development agreement for the property generally located westerly of Interstate 880 between Auto Mall Parkway and Cushing parkway in the Industrial Planning Area. An EIR and Supplement EIR ("SEIR") were previously approved for the Pacific Commons project. An Addendum to the SEIR was prepared and adopted for the Planned District Major Amendment (PLN2003-00166) finding the project to be consistent with the original plan and environmental documents. This review is not a project as defined in the CEQA Guidelines, Section 15378, no further action is required.

CONTINUE TO NOVEMBER 17, 2005, BECAUSE STAFF HAS REQUESTED ADDITIONAL INFORMATION FROM AN OUTSIDE AGENCY, WHICH HAS NOT YET BEEN RECEIVED.

Item 4. DOUBLEWOOD GOLF COURSE – Avalon Heights Terrace – (PLN2006-00054) - to consider a report from the Community Development Director on the status of a Development Agreement for a proposed golf course to be located between the terminus of Green Valley Road, Avalon Heights Terrace and Rancho Higuera Road in the Mission San Jose Planning Area. EIR 90-31 and Subsequent EIR 90-31A cover the golf course project. This annual report is not a project as defined in the CEQA Guidelines, Section 15368, no further action is required and none of the conditions of CEQA Guidelines Section 15162 requiring additional environmental documents exist.

HOLD PUBLIC HEARING;

AND

FIND THE ANNUAL REVIEW OF THE DEVELOPMENT AGREEMENT IS NOT A PROJECT AS DEFINED IN CEQA GUIDELINES, SECTION 15168, AND THAT NO FURTHER ENVIRONMENTAL DOCUMENT IS NEEDED FOR THIS REVIEW;

AND

FIND ON THE BASIS OF EVIDENCE IN THE RECORD AND PRESENTED AT THE PUBLIC HEARING, THAT FOR THE REVIEW PERIOD OF 2004-2005, THE DEVELOPER HAS COMPLIED WITH ITS OBLIGATIONS UNDER DEVELOPMENT AGREEMENT PLN2002-00273 BETWEEN THE CITY OF FREMONT AND DOUBLEWOOD GOLF COURSE, LLC.

TEMPORARY FIRE STATION No. 1 – 39183 State Street – (PLN2006-00099) - to consider a conditional use permit for a temporary fire station to be located at a 0.77 acre site in the Central Planning Area. The temporary facility would consist of a 1,440 square foot modular building for crew quarters and a 1,350 square foot sprung membrane structure for the fire engine. This project is categorically exempt from CEQA review, per Section 15303, New Construction or Conversion of Structures.

Chairperson Harrison asked if the Commission would have to approve this fire station to be moved to another temporary site to make way for the Festival of the Arts in the future or could that approval be incorporated into this approval. He also suggested similar wording regarding the Festival of India usually held in August.

Planning Director Schwob replied that during the Festivals, this fire station would not operate from this location, but it would still be there, physically.

HOLD PUBLIC HEARING;

AND

FIND THAT PLN2006-00099 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S FUNDAMENTAL GOALS AND HEALTH AND SAFETY CHAPTERS HEREBY ADOPTED BY REFERENCE:

AND

FIND THAT PLN2006-00099, AS PER EXHIBIT "B", FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND

APPROVE PLN2006-00099, AS SHOWN ON EXHIBIT "A", BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "B".

The motion carried by the following vote:

AYES: 6 – Chan, Harrison, King, Lorenz, Lydon, Sharma

NOES: 0 ABSTAIN: 0

ABSENT: 1 – Weaver

RECUSE: 0

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS

Chairperson Harrison stated that a presentation had been given to the Commission and the public concerning development on Sabercat Road prior to this meeting. The people who did not have time to speak during the presentation were promised that they could speak during this meeting.

Ravi Pathman, resident, asked if the traffic study mentioned had been performed before the development of Wal*Mart, Fry's and Pacific Commons or after. He expected heavy traffic into and out of Wal*Mart during the holidays. It now took him more than five minutes to travel through the traffic signals in the area in order to make a right turn. It seemed that the commercial area was in the process of expanding into the residential areas and he wondered what the city's plan was.

Himanshu Sanghavi, resident who lived close to the planned development, asked that any development stay within the Neighborhood Commercial designation, which was for the use and benefit of the immediate neighborhood. He asked that neighborhood safety be considered during the approval process, as many electrical distribution towers, the Hayward Fault and a gas line were in and around the subject property. He agreed with the above speaker concerning the traffic and he worried how an additional 125 homes and accompanying commercial space would impact the traffic in the local area. He lived up the hill a significant distance from the freeway and he could still hear traffic noise, even with upto-date windows and building construction. Therefore, it seemed that homes closer to the freeway would experience even more noise.

Susmil Shukla, local resident, expressed concern about how the local schools could handle more children, as an overflow existed at this time in the area.

PUBLIC HEARING ITEMS

DUSTERBERRY TOWNHOMES - 37010 Dusterberry Way - (PLN2005-00232) - to consider a Finding for Site Plan and Architectural Approval, Vesting Tentative Tract Map, Private Street, and Preliminary Grading Plan for the development of a townhouse project located in the Centerville Planning Area. A Mitigated Negative Declaration has been previously prepared for this project.

Kendall Riding, applicant, stated that the project was essentially unchanged since it was heard by the Commission in June. The Riding Group now owned the property that was bought from the post office. The development would consist of 41 townhome units, with two and three bedrooms and square footages of 1200 to 1500 feet. They would be built in the Craftsman architecture style, which would compliment the surrounding neighborhood. Common open space would be located at the rear of the development. A community meeting was held with a few attendees. They agreed with the staff report and the conditions.

Commissioner Chan asked about the reduction in guest parking.

It was decided that staff would answer her question later.

Commissioner Chan asked what the "visually distinctive element be added on the corner of Building 2 would be. She asked if it would be part of the architecture or if it would be a separate art piece.

Ms. Riding replied that staff had recommended some architectural elements to that corner. She agreed to work with them during the coming weeks to determine what would be appropriate. She understood that it would be part of the structure. Some small signage might also be added.

Commissioner Sharma asked if she had agreed to the condition and if it was a matter of agreement between her company and staff.

Ms. Riding stated that he was correct.

Chairperson Harrison opened the public hearing.

Ms. Riding closed by stating they looked forward to continue to work with staff on this project.

Chairperson Harrison closed the public hearing.

Commissioner Chan asked her question about the guest parking.

Planning Director Schwob replied that it was always possible that by eliminating a space or two, it would create a demand for a space or two out on the street. One space conflicted with city ordinance and staff believed that it would be in the best interest of the overall quality of life for the project that a few spaces might be lost. However, this project was on a corner, which would provide plenty of on-street guest parking, along with its proximity to the transit station and within walking distance to the heart of the Centerville District.

Commissioner Chan asked what staff had in mind for the distinct architectural element on Building 2.

Planning Director Schwob stated that staff was considering some kind of design that would wrap the corner as this would be very visible corner. Unique landscaping, planter boxes, a sign with the name of the development could also be included.

Chairperson Harrison asked if parking were allowed in front of the development, would a blind spot would be created at the corner?

Planning Director Schwob answered that no parking was allowed on the Dusterberry Way side of the corner for that very reason.

Planner Nguyen stated that the Traffic Engineer had reviewed this project and it appeared that the line-of-sight hazard occurred only along the Dusterberry Way side of the project from the proposed driveway to the intersection of Dusterberry Way and Hansen Avenue.

Commissioner Sharma suggested that the wording in the condition should be changed from "explore the possibility . . ."

Planning Director Schwob suggested the wording be changed to "work with staff to incorporate . . ."

Commissioner Lorenz asked if no parking would be allowed on the north side of Hansen Way within 120 feet of the intersection. The city required 83 spaces for this type of project and the developers were providing 103 spaces. He understood that for every two-bedroom or larger unit, one covered parking space, one-half uncovered space and one-half guest parking space would be required. He asked how the parking standards were arrived at.

Planner Nguyen replied that he was correct regarding the parking. City parking standards were similar to other Bay Area cities' standards. This standard seemed to work for multifamily development within the city.

Planning Director Schwob added that neighboring cities, such as Pleasanton, Walnut Creek and Sunnyvale, were surveyed. Obviously, the standard deviated in cities closer to San Francisco.

Commissioner Lorenz noted that 16 garages would be tandem. He stated that when he came home before his wife (who normally parked first in the garage), he would park in a guest parking space, because he would be the first to leave in the morning. He asked how tandem garages impacted guest parking.

Planner Nguyen answered that only one other project in the city had tandem parking and it was currently under construction, so the implications were not fully known at this time. He did not foresee parking problems with the 16 garages with tandem parking (out of 41 units), because of the parking available on the street. He believed there would be more than enough parking available.

Planning Director Schwob pointed out that approximately one-third of the units would have tandem parking, which should allow staff to see how it actually worked. Someone who bought a tandem parking unit in another project had two very long, vehicles that did not fit in the parking provided. So a lesson was learned and these tandem spaces would meet the standard vehicle size requirements.

Planner Nguyen stated that special conditions existed that would restrict guest parking to guest use, only.

Commissioner Lorenz asked if the 83 parking spaces took into consideration street parking.

Planner Nguyen replied that the number of spaces noted in the staff report consisted of onsite spaces that staff believed would be available for this project within existing conditions.

Commissioner Lorenz worried that owners of these units would park across Dusterberry Way and create a safety issue when walking across the street to their units. He liked the project, except for this last concern.

Chairperson Harrison asked, concerning Condition B-8, if the wording could be stronger regarding the private storm drain. He questioned the wording on page 3, Housing Goals, and

the Hill Area Initiative of 2002. He also noted, on page 3 that McDonald's was spelled incorrectly.

Planning Director Schwob stated that the Housing Goal wording was not relevant in this instance, but that language had to be added because of the Hill Area Initiative.

IT WAS MOVED (SHARMA/KING) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

FIND THE PREVIOUS INITIAL STUDY CONDUCTED FOR THE PROJECT EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES, AND CONCLUDED THAT THE IMPLEMENTATION OF APPROVED MITIGATION MEASURES WOULD REDUCE ALL IDENTIFIED IMPACTS TO A LEVEL OF LESS THAN SIGNIFICANT. THEREFORE, BECAUSE THE PROPOSED PROJECT HAS NOT CHANGE (I.E., SAME NUMBER OF DWELLING UNITS PROPOSED ON THE 1.92-ACRE SITE) FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

FIND THAT THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION AND MITIGATED MONITORING PROGRAM FOR THE PROJECT ARE STILL VALID AND THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT, AS MITIGATED, WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND FURTHER FINDING THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

FIND THAT THE PROPOSED PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN AND CENTERVILLE SPECIFIC PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN AND CENTERVILLE SPECIFIC PLAN AS ENUMERATED WITHIN THE STAFF REPORT AND FINDING EXHIBITS ADOPTED/RECOMMENDED HEREWITH;

AND

FIND THAT THE PROPOSED PROJECT AS SHOWN IN EXHIBIT "A" IS IN CONFORMANCE WITH THE STANDARDS AND POLICES OF THE R-3 ZONING DISTRICT, AND THAT BASED ON THE SITE PLAN AND ARCHITECTURAL APPROVAL PROCESS CONDUCTED, THE EXCEPTIONS GRANTED TO THE GENERAL STANDARDS OF THE DISTRICT ARE WARRANTED FOR THE REASONS MENTIONED IN THE STAFF REPORT:

AND

FIND VESTING TENTATIVE TRACT MAP 7666 SHOWN ON EXHIBIT "B", PRELIMINARY GRADING PLAN SHOWN AND PRIVATE STREET SHOWN ON EXHIBIT "C" TO BE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN AND STANDARDS OF THE FREMONT MUNICIPAL CODE;

AND

APPROVE EXHIBIT "A" (FINDING, SITE PLAN AND ARCHITECTURAL APPROVAL), BASED ON FINDINGS AND CONDITIONS IN EXHIBIT "1":

AND

APPROVE EXHIBIT "B" (TENTATIVE TRACT MAP 7666), BASED ON FINDINGS AND CONDITIONS IN EXHIBIT "2":

AND

APPROVE EXHIBIT "C" (PRELIMINARY GRADING PLAN AND PRIVATE STREET), BASED ON FINDINGS AND CONDITIONS IN EXHIBIT "3";

AND

APPROVE EXHIBIT "D" (COLOR AND MATERIAL SAMPLE BOARD), BASED ON CONDITIONS IN EXHIBIT "1".

The motion carried by the following vote:

AYES: 6 – Chan, Harrison, King, Lorenz, Lydon, Sharma

NOES: 0 ABSTAIN: 0

ABSENT: 1 – Weaver

RECUSE: 0

FAME CHARTER SCHOOL – 3300 Kearney Street – (PLN2006-00063) - to consider a Planned District Minor Amendment to P-80-13 for an educational service (charter school) to operate with 160 or more students in an existing 31,974 square foot building in the Central Planning Area. This project is categorically exempt from CEQA review per Section 15301 - operation, leasing, or minor alteration of existing facilities.

Maram Alaiwat, Director and Founder, stated that FAME was an acronym for Families of Alameda County for Multicultural Education and Families of Alameda County for Multilingual Education. This charter school was one of approximately four countywide charter schools, and it was the first and largest countywide charter school approved in Alameda County. This school was a public charter school, so it was non-sectarian. This Fremont campus currently serves approximately 115 students. She agreed to fulfill all conditions and requirements in the staff report.

Chairperson Harrison asked how many classes would be held for each grade. He asked how the number of students per classroom would work out as the current students moved up within the grades to Grade 12.

Ms. Alaiwat stated that the 530 students mentioned in the report was the maximum projected growth, as allowed by the County. Class sizes would not be more than 25 students.

Commissioner Sharma asked if the traffic issues had been worked out, with regard to dropping off and picking up the children.

Ms. Alaiwat replied that it was worked out, as far as she was concerned. Whole families tended to arrive in carloads at the school. At this time, about 55 vehicles flowed through the parking lot with the current level of 115 students. She introduced the Assistant Director, Julie Matoon, and the Fremont campus Principal, Bill Rich.

July Matoon, Assistant Director, stated that the teaching staff spoke many languages that included Spanish, Arabic, Farsi, Pashtu, English, Japanese. Their students were from all over the world, such as Afghanistan and Yemen.

Ms. Alaiwat replied that students commuted from Modesto, Santa Clara County and the rest from Alameda County. Their Oakland students would normally attend school at the San Leandro Campus, but it was full, so they commuted to Fremont.

Bill Rich, Principal, stated that very active parent participation had already formed a number of committees and word-of-mouth had expanded the student population from the original 75 students to 117 students enrolled at the school at the present time. French would be added to the curriculum for the middle school students, due to parent requests.

Commissioner Chan asked how many schools were part of FAME. What was the teacher to student ratio? She asked about the future retrofitting. Since this charter school was not a part of Fremont Unified School District, which school board had taken action to exempt the school from city codes?

Ms. Alaiwat stated that there were two site-based schools and two administrative/resource centers that operated as part of the FAME charter schools. One was in Fremont, one in San Leandro and one in Dublin that served as a resource center for home-based children. The administrative offices were located in Newark and they also served as a resource center for students who received special therapy. The average teacher to student ratio was one to 23. Global Shapell was owner of the building and the school was subleasing the space from Convergys, the previous tenant. Nothing could take place without the city's and Shapell's approval. She stated that architects were in attendance to answer any questions. The legal and fiscal entities were separate and independent, so the school was an independent 501C3 Corporation and operated as its own district. The corporate board acted as the school board.

Vice Chairperson Lydon asked if the enrollment increased five times, could the amount of vehicles dropping and picking up students be expected to also increase by five times and if shuttles to public transit had been considered for the future. Were extracurricular activities offered?

Ms. Alaiwat admitted that the traffic could double or even triple during an increase to 530 students. A Shapell representative had been monitoring the traffic to make certain that it did not impact other Shapell tenants and, so far, it had not. A parent group was currently looking into the possibility of a shuttle when enrollment reached 300 students. At this time, some community events were occasionally held. There was no music program, but eventually she hoped to have those kinds of things available to the students.

Chairperson Harrison asked if she had any plans for a future outside play area, such as a playground or gym.

Ms. Alaiwat replied that once a long-term lease was agreed upon with Shapell, they hoped to provide outside play areas for the children. However, she had been involved with other successful charter schools that had no playground space.

Chairperson Harrison opened the public hearing.

Ms. Alaiwat closed with stating that the schools' mission was focused on English language support and to create students who would be successful, contributing competent members of the society.

Commissioner Sharma asked how the school was funded, since it was a public school and students did not have to pay to attend.

Ms. Alaiwat replied that no fee was charged, these schools were like any other public school. They received funds from the State like every other public school.

Chairperson Harrison closed the public hearing.

Chairperson Harrison asked if the fundamental life/safety concerns had been addressed. He also asked if charter schools would be included in the General Plan update.

Planner Pullen replied that he had received an email from the city Fire Department that stated that all safety concerns had been addressed, except for building codes and seismic upgrades. The school was required to apply for all upgrades by November 1st and to complete those upgrades by March 1st.

Planning Director Schwob stated that when the General Plan was updated, charter schools would be acknowledged and their unique policies and concerns and issues would be addressed.

Vice Chairperson Lydon reminded staff that all items brought before the Commission tonight concerned traffic issues that would probably provide less impact than this one. He asked for assurance from staff that two hundred vehicles traveling on Kerney Street within a small window of time would not impact the surrounding community.

Planning Director Schwob replied that the adjacent streets were collector streets and were large enough in capacity to handle that type of volume. Staff would be able to keep a watchful eye on the school, since it would be a neighbor. Staggered start times could be considered in the future, which could distribute much of the traffic.

Commissioner Lorenz stated that overall parking at local public schools was not as much of a problem as the drop-off area. Two local schools had modified their drop-off areas over the summer and that seemed to ease the traffic associated with these schools. He suggested that the design of the drop-off area at this school be reviewed.

IT WAS MOVED (KING/CHAN) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

FIND THAT THE PROPOSED PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S PUBLIC FACILITIES CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT. THE PROJECT CONFORMS TO THE GOALS AND POLICIES AS ENUMERATED IN THE STAFF REPORT;

AND

FIND PLN2006-00063, AS PER EXHIBIT "A" (SITE PLAN, FLOOR PLAN, AND ELEVATIONS), FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND

APPROVE PLN2006-00063, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS IN EXHIBIT "B".

The motion carried by the following vote:

AYES: 6 – Chan, Harrison, King, Lorenz, Lydon, Sharma

NOES: 0 ABSTAIN: 0

ABSENT: 1 – Weaver

RECUSE: 0

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
 - Tentative Approval of 2006 Planning Commission Calendar

The August recess was recommended for the 24^{th} and it was not likely the Commission would meet at the end of December. Otherwise, the regular meeting days did not conflict with any holidays.

HARB would look at the calendar on November 3rd and possibly move their January meeting to the 19th.

IT WAS MOVED (KING/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION RECOMMEND THE 2006 CALENDAR TO CITY COUNCIL.

Information from Commission: Commission members may report on matters of interest.

Commissioner Lorenz stated that while attending a Centerville Business Association meeting, he heard that money approved to build the bandstand would negatively impact other small projects that the Recreation Commission had been considering.

Chairperson Harrison clarified which of two draft agendas for November 17th Commission meeting was the correct agenda.

| Meeting adjo | ourned at | 8:10 | p.m. |
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SUBMITTED BY: APPROVED BY:

Alice Malotte Jeff Schwob, Secretary Recording Clerk Planning Commission